

Dairy Produce Act, 1924.

- LONG TITLE

An Act to make provision for the regulation of the manufacture, marketing, and export of dairy produce with a view to improving the general standard thereof, and for that purpose to make provision for the registration and control of premises engaged in the manufacture or sale of dairy produce, and for the marking of such produce, and for other matters conducive or incidental to the objects aforesaid.

[18th December, 1924.]

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS—
PRELIMINARY.

Short title and commencement.

1.—(1) This Act may be cited for all purposes as the Dairy Produce Act, 1924. (2) This Act shall come into operation on such day as may be fixed by an Order of the Minister either generally or with reference to any particular Part of this Act and different dates may be appointed for the coming into operation of different Parts of this Act.

Definitions.

2.—In this Act— the expression "the Minister" means the Minister for Lands and Agriculture; the word "butter" means the substance usually known as butter, made exclusively from milk or cream, or both, with or without salt or other preservative, and with or without the addition of colouring matter; the expressions "margarine" and "milk-blended butter" have respectively the same meanings as in the Butter and Margarine Act, 1907; the expression "creamery business" means the business of manufacturing butter from cream which has been separated by means of centrifugal force mechanically applied from the commingled milk supplies of a number of cow-keepers; the expression "creamery butter" means butter which has been manufactured in premises registered in the register of creameries and has not been subsequently blended or re-worked; the expression "cream-separating business" means the business of separating cream by means of centrifugal force mechanically applied from the commingled milk supplies of a number of cow-keepers; the expression "mechanically applied" means applied by machinery driven by any motive power other than human or animal power; the expression "butter factory" means premises on which by way of trade butter is blended, re-worked, or subjected to any other treatment, but not so as to cease to be butter; the expression "butter factory business" means the business of blending and re-working butter or subjecting butter to any other treatment but not such as would cause it to cease to be butter. the expression "register kept in pursuance of this Act" means a register which the Minister keeps or causes to be kept pursuant to this Act and does not include a register kept by a registered proprietor; the word "manufacture" when used in relation to the manufacture of butter in butter factories includes the blending or the re-working of butter or both such blending and re-working; the word "inspector" includes any person authorised in writing (either generally or for a special purpose) by the Minister to exercise all or any of the powers and perform all or any of the duties conferred and imposed on an inspector by this Act; the expression "dairy produce" includes any article of human food made wholly or mainly from milk or from the products or by-products of milk; the word "package" includes any box, case, kiel, keg, firkin, or other receptacle containing or capable of containing butter for transport, and, where the context so requires, includes the contents of such receptacle; the word "wrapper" includes any paper, folder, carton or case used for packing or wrapping a piece of butter; the word "prescribed" means prescribed by regulations made under this Act.

- PART I - conditions of cleanliness and order

Conditions of cleanliness and order.

3.—(1) On and after the commencement of this Part of this Act all premises in which dairy produce is manufactured for sale (whether such premises are or are not registered under this Act) shall comply with the following conditions, that is to say:— (a) the premises shall be structurally suited for the manufacture of such descriptions of dairy produce as are in fact manufactured therein, and (b) the premises, and the plant and machinery and the appliances and the utensils therein shall be in a state of cleanliness and good repair, and (c) the milk or cream and all other ingredients and materials used in the process of manufacturing dairy produce on the premises shall be clean, and (d) the premises shall be situated in such a position and used in such a manner as to prevent the exposure of the dairy produce manufactured therein or any ingredients or materials used in the process of such manufacture to any effluvium from any drain, cesspool, manure heap, cow-house, pigstye or to other source of contamination, and (e) there shall be available on or reasonably near the premises such adequate supply of good and wholesome water as may from time to time be reasonably necessary. (2) All premises in which dairy produce is manufactured for sale and which are registered in any of the registers kept in pursuance of this Act shall be equipped with appropriate appliances and utensils and with such plant and machinery as are required in respect of those premises by or under Part III. of this Act. (3) Save as is hereinafter excepted, all premises in which dairy produce is manufactured for sale and which are not registered in any of the registers kept in pursuance of this Act shall be provided with such plant and machinery and such appliances and utensils as are requisite for the manufacture of dairy produce of the description manufactured therein. (4) Sub-ion (3) of this section shall not apply to premises which comply with all the following conditions, that is to say— (a) the premises are not registered in any of the registers kept in pursuance of this Act, and (b) the premises are situate on a farm, and (c) all dairy produce manufactured on the premises for sale is so manufactured only from the milk of cows belonging to the occupier of such farm. (5) In this Act the expression "conditions of cleanliness and order" means the requirements of this section in regard to the premises in relation to which that expression is used.

4 Inspection of premises manufacturing dairy produce.

4.—(1) Any inspector (subject to the production by him if so required of his authority in writing as such inspector) may at all reasonable times enter any premises upon which dairy produce is manufactured for sale and may inspect all such portions of those premises as are in any way used for or in connection with such manufacture, and may inspect all plant, machinery, appliances, and utensils used in such manufacture, and also the dairy produce manufactured on the premises and the ingredients and materials used in the manufacture thereof and may take and remove without payment reasonable samples of such dairy produce and of such ingredients and materials. (2) If any person obstructs or impedes any inspector in the exercise of any of the powers conferred on him by this section such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in case of a first offence to a penalty not exceeding five pounds, and in the case of a second or any subsequent offence to a penalty not exceeding ten pounds. (3) Where any inspector is satisfied after an inspection under sub-ion (1) of this section that any such premises as aforesaid or the dairy produce manufactured therein or any materials or any ingredients used in the manufacture of such dairy produce or any of the plant, machinery, appliances, or utensils therein do not comply with the conditions of cleanliness and order, such inspector may serve a notice in the prescribed form upon the person carrying on on such premises the manufacture of dairy produce for sale requiring such person to do in the manner and time specified in such notice all or any of the things specified therein. (4) Any such notice as aforesaid may require— (a) that the premises or any specified portion thereof be cleansed; (b) that the plant and machinery, or the appliances, or any part thereof and the utensils or any of them used in the premises be cleansed; (c) that the premises or any specified portion thereof be put in a state of good repair; (d) that such structural alterations or additions be made in or to the premises as the notice may specify; (e) that the plant and machinery, or the appliances, or any part thereof and the utensils or any of them used in the premises be put in a state of good repair; (f) that such improvements or additions as the notice may specify be made in or to the plant,

machinery, appliances, and utensils used in the premises; (g) that any steps be taken, either generally or as specified, to ensure that the milk or cream and all other ingredients and materials used in the process of manufacturing dairy produce on the premises be clean; (h) that any source of contamination to which the dairy produce manufactured in the premises, or the ingredients and materials thereof, are exposed be removed or rendered innocuous; (i) that there shall be made available an adequate supply of good and wholesome water. (5) Where the name of the person carrying on the manufacture of dairy produce on any premises is not known, any notice under this section in relation to the premises may be addressed to "the person carrying on the manufacture of dairy produce" on the premises without naming him. (6) A notice under this section may be served by delivering the same to the person to whom it is addressed or by leaving the notice on the premises to which it relates or by sending it by post to the person to whom it is addressed at the premises to which it relates. (7) Any person upon whom a notice has been served under this section who fails to comply, in the manner and within the time specified in such notice, or in such notice as amended by the arbitrator, with the requirements thereof as amended (if at all) by the arbitrator and who on the expiration of the time aforesaid continues to carry on on the premises to which such notice relates the business of the manufacture of dairy produce for sale shall (subject to any suspension of the notice under the provision in that behalf hereinafter contained) be guilty of an offence against this section and shall be liable on summary conviction thereof to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day on which such default continues.

5 Appointment of arbitrator.

5.—(1) The Executive Council shall appoint a fit and proper person to be standing arbitrator (in this Part of this Act referred to as the arbitrator) for the purposes of this Part of this Act. (2) Every person appointed under this section to be a standing arbitrator shall hold that office for five years from the date of his appointment and no longer, but shall be eligible for re-appointment at the end of his term of office or at any subsequent time. (3) Every person appointed under this section to be a standing arbitrator may be removed from that office at any time by the Executive Council for stated misbehaviour or incapacity, but not otherwise. (4) There shall be paid to the standing arbitrator appointed under this section such remuneration as the Minister, with the sanction of the Minister for Finance, shall determine. (5) If and whenever owing to the incapacity through illness or the absence of the standing arbitrator or the number of arbitrations to be heard it is necessary or expedient that additional arbitrators should be appointed, the Executive Council may appoint one or more additional arbitrators upon such terms and conditions as they shall with the consent of the Minister for Finance think proper, and every such additional arbitrator shall be included in the expression "the arbitrator" as used in this Part of this Act and shall have all the powers and duties conferred or imposed on the standing arbitrator by this Part of this Act.

Reference of notice to arbitration.

6.—(1) Any person on whom a notice is served by an inspector under this Part of this Act (other than a notice only requiring any premises, plant, machinery, appliances, or utensils to be cleansed) shall, on payment of the prescribed fees, be entitled to have such notice referred in the prescribed manner to the arbitrator. (2) It shall be the duty of the arbitrator to whom the matter of a notice is referred under this section to inquire into and determine in the prescribed manner the matter of such notice, and to confirm, with or without any addition, omission, or amendment, or to annul such notice. (3) When the matter of a notice is so referred to the arbitrator, the notice shall be deemed to be suspended until the matter is determined by the arbitrator, but if the notice is confirmed by the arbitrator, whether with or without any addition, omission, or amendment, the notice as so confirmed shall take effect as if it had been duly served under this Act on the date of such confirmation.

Special provisions where notice requires repair, etc., of.

7.—Where a notice served by an inspector under this Part of this Act on a person carrying on the manufacture of dairy produce for sale requires the premises in which such manufacture is carried on or any part thereof to be put in a state of good repair or requires any structural alterations or additions to be made in or to such premises the following provisions shall apply and have effect, that is to say:— (a) if the person carrying on the manufacture is not the rated occupier of the premises it shall be the duty of such person to communicate the contents of the notice to such rated occupier within three days after the service of the notice, and (b) if the premises are held by the person carrying on the manufacture or by the rated occupier under a lease or other contract of tenancy it shall be the duty of the person carrying on the manufacture to communicate the contents of the notice to the immediate landlord of the premises or his agent within three days after service of the notice, and (c) the person carrying on the manufacture shall, if he has duly complied with the provisions of the foregoing paragraphs of this section so far (if at all) as they are applicable to the case, be at liberty to execute the work required by the notice or by any amendment or addition made therein or thereto by the arbitrator, notwithstanding any covenant, agreement, or condition to the contrary contained in any lease or other contract of tenancy under which the premises are held, and (d) if the matter of such notice is referred to the arbitrator on the application of the person carrying on the manufacture it shall be the duty of such person, if he is not the rated occupier of the premises, to serve on the rated occupier notice of the reference in the prescribed form and within the prescribed time, and, if the premises are held under a lease or other contract of tenancy, to serve on the immediate landlord of the premises or his agent notice of the reference in the prescribed form and within the prescribed time, and (e) where the contents of the notice are required by this section to be communicated to the immediate landlord or his agent, or to the rated occupier, such landlord or rated occupier shall, on payment of the prescribed fees, be entitled to have the matter of the notice referred in the prescribed manner to the arbitrator and thereupon the provisions of this Part of this Act shall apply to the reference in like manner as if it was a reference on the application of the person carrying on the manufacture, save that such landlord or the rated occupier (as the case may be) shall serve on the rated occupier or on the immediate landlord (if any) or his agent (as the case may require) and on the person carrying on the manufacture, notice of the reference in the prescribed form and within the prescribed time, and (f) it shall be the duty of the arbitrator before proceeding with the arbitration, to ascertain whether the person carrying on the manufacture is the rated occupier of the premises, and whether the premises are held under a lease or other contract of tenancy, and to satisfy himself that the provisions of this section relating to the communication of the contents of the notice and the service of other notices have been duly complied with so far as applicable.

Regulations in relation to arbitrations.

8.—(1) The Minister may by order make regulations in regard to the practice and procedure generally (including the service of documents) in relation to references to the arbitrator, and in particular in regard to any matter relating to such references as is in this Part of this Act referred to as prescribed, or as being or to be prescribed. (2) Regulations made under this section shall provide for the return, subject to the sanction of the Minister for Finance, to the person applying for the reference of all or any fees paid by him upon a certificate of the arbitrator to the effect that the application was made bona fide, and was not frivolous or vexatious.

- PART II - EXPORT OF BUTTER

Export of butter.

9.—(1) Subject to the exceptions mentioned in this section, all butter exported from Saorstát Eireann shall be exported only from premises registered in the register of creameries, or the register of manufacturing exporters, or the register of butter factories, or the register of non-manufacturing exporters and shall comply with the following conditions, that is to say:— (a) the butter shall have been packed for export in accordance with the provisions of this Act and any regulations made thereunder, and (b) the butter and

also the package containing the butter and any wrapper in which the butter is packed shall be marked with the marks (if any) prescribed by regulations made under this Act, and (c) if the national mark to be established under Part IV. of this Act is applied to the butter or the package in which it is contained or any wrapper in which it is packed, the provisions of this Act and any regulations made thereunder in relation to such national mark shall be complied with, and (d) if exported from premises registered in the register of creameries or the register of manufacturing exporters the butter— (i) shall have been packed in those premises and shall not have been removed from the package and wrapper (if any) in which it was so packed, and (ii) shall be clean and shall not contain water in excess of sixteen per cent. nor any noxious colouring matter nor any preservative other than salt of a prescribed description, and (iii) shall be exported direct from the premises aforesaid by the registered proprietor of those premises, and (e) if exported from premises registered in the register of butter factories the butter— (i) shall not, prior to export, be removed from the package or any wrapper in which it was contained when it left the premises, and (ii) shall be clean and shall not contain water in excess of sixteen per cent., and (iii) shall be exported direct from the premises aforesaid by the registered proprietor of those premises, and (f) if exported from premises registered in the register of non-manufacturing exporters, the butter— (i) shall not, prior to export, be removed from the package or any wrapper in which it was contained when it left the premises, and (ii) shall be clean and, if and when so prescribed, shall not contain water in excess of sixteen per cent., and (iii) shall be exported direct from the premises aforesaid by the registered proprietor of those premises. (2) Every person who shall export or attempt to export any butter which does not comply with all the conditions prescribed by the foregoing sub-ion shall be guilty of an offence under this section. (3) Every person who shall carry by land or sea for reward any butter which is being or is intended to be exported in contravention of this section shall, if such carrying is done in the course or for the purpose of the exportation of such butter, be guilty of an offence under this section unless such person proves that he did not know and could not reasonably have known that such butter was being exported in contravention of this section. (4) Every person guilty of an offence under this section shall be liable on summary conviction thereof, in the case of a first offence to a fine not exceeding twenty pounds, and in the case of a second or any subsequent offence to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and imprisonment. (5) This section shall not apply to any butter exported— (a) by means of the parcel post, or (b) in any consignment the total gross weight of which does not exceed the maximum weight for the time being allowed to be sent by the parcel post, or (c) under and in accordance with an exportation licence granted under this Act, or (d) in a package consigned and forwarded through Saorstát Eireann from any place outside Saorstát Eireann to any other such place but not otherwise dealt with in Saorstát Eireann.

Inspection, etc., of butter.

10.—(1) Any inspector shall be entitled (subject to the production by him if so required of his authority in writing as such inspector) at all reasonable times to enter upon and have free access to the interior of— (a) any premises registered under this Act or under the Sale of Food and Drugs Acts, 1875 to 1907, or (b) any premises in which butter is sold, or is exposed, kept, or stored for sale, or is stored for preservation by exposure to cold or otherwise, or (c) the premises of any person engaged in the business of carrying goods for reward, or (d) any warehouse or other premises of any person engaged in the business of warehousing goods intended for export or in process of being exported, or (e) any pier, quay, wharf, jetty, dock, or dock premises, or (f) any ship, boat, railway wagon, motor, lorry, cart, or other vessel or vehicle used for the conveyance of goods. (2) Any inspector may inspect any butter, or any package found in any place upon or to which he is entitled under this section to enter or have access or upon or in any public place, and may open any such package which he reasonably believes or suspects to contain butter, and may take and remove without payment— (a) reasonable samples of any butter found in any such place, whether such butter is or is not contained in a package, and (b) reasonable samples of any wrappers or packing materials in which any such butter is packed, and (c) any one package forming part of a consignment of butter found in any such place. (3) If any person— (a) obstructs or impedes any inspector in the exercise of any of the powers conferred on him by this section, or (b) knowing the name or other particulars of the consignor, consignee, or owner of any butter or of any package which an inspector is entitled to inspect under this section, refuses to give such name or other particulars to such inspector, or (c) wilfully or recklessly gives to such inspector any false or misleading name or other

particular of any such consignor, consignee, or owner, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence to a penalty not exceeding five pounds, and in the case of a second or any subsequent offence to a penalty not exceeding ten pounds. (4) Where any package is taken by an inspector under this section it shall be the duty of such inspector to notify the owner or the consignor and the consignee (if and so far as their names and addresses are known to or can reasonably be ascertained by him) of the taking of such package. (5) If on the examination of any package taken under this section it appears to the Minister that there was a contravention or attempted contravention of any of the provisions of this Act or any regulations made thereunder in relation to the consignment from which the package was taken, the package shall be forfeited to the Minister, and in any other case the package shall be disposed of in accordance with the directions of the owner or the consignor or, in default of such directions, shall be sold and the net proceeds of sale paid to the consignor. (6) Neither the Minister, nor any inspector shall be liable for any loss or damage arising from the lawful exercise by an inspector of any of the powers conferred on him by this section, and no action shall lie against the consignor, or any other person, for or on account of any such loss or damage as aforesaid.

Order for examination of butter before export.

11.—(1) The Minister may, if and whenever he is satisfied that such order is necessary or expedient in the interests of the butter industry in Saorstát Eireann, by order (in this section referred to as an examination order) require that all or any particular class of butter proposed to be exported, or all or any butter proposed to be exported from any particular premises or class of premises, or any particular consignment of butter consigned for export, shall before the same is exported be submitted for examination by the prescribed officers with a view to determining whether such butter is suitable for export, and the Minister may by such order prohibit, either absolutely or on failure to comply with conditions, the export of any butter which on such examination is found to be unsuitable for exportation. (2) The Minister may by any examination order or by any subsequent order make regulations in respect of all or any of the matters following, that is to say:— (a) the method of submitting butter to which an examination order applies for examination, including the submission in suitable cases of representative parts only of the butter; (b) the officers by whom the examination is to be made; (c) the method of making the examination and the places in which the same is to be made; (d) the conditions with which the butter must comply in order to be suitable for export; (e) the conditions under which butter found unsuitable for unrestricted export may be exported. (3) An examination order shall remain in force for such period as shall be stated in the order and for such further period as may be prescribed in any subsequent order, and where no such period is stated in the order the order shall remain in force until revoked by the Minister. (4) Any person who shall export or attempt to export any butter in contravention of an examination order or of any regulation made under this section shall be guilty of an offence under this section and shall on summary conviction thereof be liable, in the case of a first offence, to a fine not exceeding twenty pounds, and in the case of a second or any subsequent offence, to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

Licences to export butter.

12.—(1) The Minister may, upon the application of any person in the prescribed form and manner and upon payment by that person of the fees specified in the Third Schedule to this Act, grant to such person a licence to export the consignment of butter specified in the licence to such consignee (if any), by such route (if any), and subject to such conditions as are stated in the licence. (2) A licence granted under this section shall operate to authorise the person to whom the same is granted to export in accordance with the terms of the licence, the consignment of butter specified therein. (3) The Minister may at any time before a consignment of butter specified in a licence is actually exported, revoke the licence relating to such consignment. (4) If any person to whom a licence has been granted under this section contravenes any of the terms or conditions contained in such licence, or if any person falsely represents, by means of a mark on the consignment or otherwise, that any consignment of butter is being exported pursuant to any such licence, he shall be guilty of an offence under this section and shall be liable on summary conviction

thereof to a penalty not exceeding twenty pounds. (5) There shall be paid to the Minister by every person to whom a licence is granted, the fees specified in the Third Schedule to this Act.

Powers of officers of customs and excise.

13.—Officers of customs and excise shall have the like powers in relation to any butter and packages, the export of which is prohibited or restricted by this Act as such officers respectively have by law in relation to other articles the export of which is prohibited or restricted by law.

- PART III - REGISTRATION OF PREMISES

Registers to be kept by Minister.

14.—(1) The Minister shall cause to be kept— (a) a register (to be called and known as the register of creameries) of premises in Saorstát Eireann in which a creamery business is carried on, and (b) a register (to be called and known as the register of cream-separating stations) of premises in Saorstát Eireann in which a cream-separating business is carried on, and (c) a register (to be called and known as the register of manufacturing exporters) of all premises in Saorstát Eireann not registered in the register of creameries, in which the business of manufacturing butter for export, but not a butter factory business, is carried on, and (d) a register (to be called and known as the register of butter factories) of premises in Saorstát Eireann in which a butter factory business is carried on, and (e) a register (to be called and known as the register of non-manufacturing exporters) of all premises in Saorstát Eireann in which butter is examined and classified for export but is not manufactured, blended, re-worked, or otherwise subjected to any treatment or process. (2) There shall be entered in the said registers in respect of all premises registered therein respectively the following particulars, that is to say:— (a) the full name and description of the person (in this Act referred to as the registered proprietor) carrying on in such premises the business in respect of which the same are registered, and (b) a description of the situation of the premises sufficient to identify the same and the limits and extent thereof. (3) In any case in which a cream-separating business is carried on in any premises on which a creamery business is carried on, such premises shall, subject to the provisions of this Act and of any regulations made thereunder in relation to the registration of premises in the register of creameries, be capable of being registered in the register of creameries, and where such registration takes place such premises or any portion thereof shall not be required to be registered in the register of cream-separating stations. (4) No premises which are, or are required to be, registered under the Sale of Food and Drugs Acts, 1875 to 1907, or which communicate with any such premises otherwise than by a public street or road, shall be capable of being registered in the register of creameries or the register of cream-separating stations or the register of manufacturing exporters or (except in the case of premises registered or required to be registered solely by virtue of sub-ion (4) of section 7 of the Sale of Food and Drugs Act, 1899) the register of non-manufacturing exporters. (5) No premises which are themselves used for or which form part of or communicate (otherwise than by a public road or street) with any premises used for the manufacture of or wholesale or retail dealing (otherwise than under a licence granted under this Act) in margarine, margarine cheese, milk-blended butter, or any class of butter except creamery butter shall be capable of being registered in the register of creameries or the register of cream-separating stations. (6) No premises which are themselves used for or which form part of or communicate (otherwise than by a public road or street) with any premises used for the manufacture of or the wholesale or retail dealing (otherwise than under a licence granted under this Act) in margarine, margarine cheese, milk-blended butter, or any class of blended, re-worked, or renovated butter shall be capable of being registered in the register of manufacturing exporters.

Conditions of registration.

15.—(1) The Minister shall, before registering any premises in the register of creameries, or the register of cream-separating stations, or the register of manufacturing exporters, or the register of butter factories, be satisfied that the conditions of cleanliness and order are complied with by such premises and that such

premises comply with such other conditions for the registration of such premises as are specified in this Act or in any regulations made thereunder. (2) Before registering any premises in the register of creameries the Minister shall be satisfied— (a) that such premises are equipped with efficient plant and machinery of the description specified in the First Schedule to this Act, with such additions and variations (if any) as may be prescribed or as may in any particular case be required or approved of by the Minister, and (b) that such premises are provided with an adequate supply of good and wholesome water, and (c) if any regulation under this Act is for the time being in force requiring premises registered in the register of creameries to be equipped with plant for pasteurising milk or cream or both milk and cream, that the premises are duly equipped with such pasteurising plant as is required by such regulation, and (d) that the creamery business carried on thereon is such that in the ordinary course of such business the quantity of butter produced on each day on which the business is so carried on exceeds fifty-six pounds in weight. (3) Before registering any premises in the register of cream-separating stations the Minister shall be satisfied— (a) that such premises are equipped with efficient plant and machinery of the description specified in the First Schedule to this Act, with such additions and variations (if any) as may be prescribed or as may in any particular case be required or approved of by the Minister, and (b) that such premises are provided with an adequate supply of good and wholesome water, and (c) if any regulation under this Act is for the time being in force requiring premises registered in the register of cream-separating stations to be equipped with plant for pasteurising milk or cream or both milk and cream, that the premises are duly equipped with such pasteurising plant as is required by such regulation, and (d) that the cream-separating business carried on thereon is such that in the ordinary course of such business the quantity of cream separated from milk on each day on which the business is so carried on is sufficient for the manufacture of not less than twenty-eight pounds of butter. (4) Before registering any premises in the register of manufacturing exporters the Minister shall be satisfied— (a) that such premises are equipped with such plant and machinery as may be prescribed or as may in any particular case be required or approved by the Minister, and (b) that such premises are provided with an adequate supply of good and wholesome water, and (c) if any regulation under this Act is for the time being in force requiring premises registered in the register of manufacturing exporters to be equipped with plant for pasteurising milk or cream or both milk and cream, that the premises are duly equipped with such pasteurising plant as is required by such regulation, and (d) that the manufacturing business carried on thereon is such that in the ordinary course of business the quantity of butter produced on each day on which the business is carried on exceeds fifty-six pounds in weight. (5) Before registering any premises in the register of butter factories the Minister shall be satisfied— (a) that such premises are equipped with efficient plant and machinery of the description specified in the Second Schedule to this Act, with such additions and variations (if any) as may be prescribed or as may in any particular case be required or approved of by the Minister, and (b) that such premises are provided with an adequate supply of good and wholesome water, and (c) that the manufacturing business carried on thereon is such that in the ordinary course of such business the quantity of butter produced on each day on which the business is so carried on exceeds fifty-six pounds in weight. (6) The Minister shall before registering any premises in the register of non-manufacturing exporters be satisfied that— (a) the premises are structurally suited for carrying on the business of examining and classifying butter for export and are sufficiently provided with equipment, fittings, and appliances suitable for that business, and (b) the premises and the equipment, fittings, and appliances thereof are in a state of cleanliness and good repair, and (c) the premises contain adequate and suitable accommodation for the carrying on, in accordance with the requirements of this Act and any regulations made thereunder, of the business of examining and classifying butter for export, and (d) the premises are properly equipped with the prescribed appliances and requisites for examining and classifying butter for export and for marking butter and the packages and wrappers (if any) in which it is packed for export, and (e) the premises comply with such other conditions as shall be prescribed.

Regulations applicable to registered creameries.

16.—(1) The following regulations shall apply to all premises registered in the register of creameries, that is to say:— (a) all butter manufactured on the premises shall be made from cream which has been separated on the premises by means of centrifugal force applied by mechanical power from the commingled milk supplies of a number of cow-keepers or has been supplied from other premises registered in the register of creameries or from premises registered in the register of cream-separating

stations, or when so authorised by the Minister (which authorisation shall not be given unless the Minister is of opinion that there are special or unusual circumstances justifying him in so doing) and subject to the conditions named by the Minister, from a specified cream-separating station situate outside Saorstát Éireann; (b) all matters relating to the manufacture of butter on the premises shall be under the control of a duly qualified manager, and the prescribed particulars of all appointments of such managers shall be notified to the Minister in the prescribed manner; (c) every butter-maker on the premises and every person carrying out tests of milk or cream on the premises for the purpose of determining the percentage of butter-fat therein shall be duly qualified, and the prescribed particulars of all appointments of such butter-makers and persons shall be notified to the Minister in the prescribed manner; (d) butter containing water in excess of sixteen per cent. or any noxious colouring matter or any preservative other than salt of a prescribed description shall not be packed for export, or exported, or consigned for export, in or from the premises; (e) butter containing water in excess of sixteen per cent. or any noxious colouring matter or any preservative other than salt of a prescribed description shall not be packed for sale, or sold, or offered or consigned for sale on or from the premises, except to a butter-factory in Saorstát Éireann, and then only subject to and in accordance with the prescribed conditions and subject to and in accordance with the provisions of the Sale of Food and Drugs Acts, 1875 to 1907; (f) if any regulation under this Act is in force requiring the premises to be equipped with efficient plant for pasteurising milk or cream, or both milk and cream, all milk, cream, or milk and cream (as the case may require) used for the manufacture of butter upon the premises shall be pasteurised; (g) all butter exported from the premises and also every package or wrapper containing the butter shall before it leaves the premises be marked in the prescribed manner with the marks (if any) prescribed by regulations made under this Act; (h) all butter packed on the premises shall be packed only in such manner and in such packages or wrappers as shall be prescribed by regulations made under this Act; (i) no margarine or milk-blended butter, and no oil or fat capable of being used in the adulteration of butter shall be brought on to the premises; (j) save as hereinafter mentioned no butter, other than creamery butter obtained directly from other premises registered in the register of creameries shall be brought on to the premises. (2) If the Minister is satisfied, on the application of the registered proprietor or duly qualified manager of any premises registered in the register of creameries, that owing to a temporary decrease in the quantity of milk or cream supplied to the premises sufficient butter cannot be manufactured on the premises or obtained from other premises similarly registered to meet the immediate requirements of the business of the premises as normally carried on, the Minister may by licence issued by him to the registered proprietor of the premises authorise the bringing on to the premises of butter of such description, in such quantities, during such period, and subject to such conditions as may be specified in the licence: Provided always that while a licence under this sub-ion is current in respect of any premises, any licence then in force for the use of the national mark in respect of butter manufactured in those premises shall be suspended. (3) For the purposes of this section a person shall be deemed to be duly qualified for a position only if he either possesses a certificate issued by the Minister of qualification for such position generally or has satisfied the Minister that he is qualified for the particular position.

Cream from registered creameries and cream separating stations.

17.—No cream shall be supplied from any premises registered in the register of creameries or the register of cream-separating stations unless either it was separated from milk on the premises by means of centrifugal force applied by mechanical power from the commingled milk supplies of a number of cow-keepers or was supplied to the premises from other premises registered in the register of creameries or the register of cream-separating stations.

Regulations applicable to registered manufacturing exporters.

18.—(1) The following regulations shall apply to all premises registered in the register of manufacturing exporters, that is to say:— (a) all butter manufactured on the premises shall be made from cream which has been separated from milk on the premises or has been supplied from other premises (whether registered or not registered under this Act) subject to such conditions as may be prescribed; (b) all matters relating to the manufacture of butter on the premises shall be under the control of a duly qualified

manager, and the prescribed particulars of all appointments of such managers shall be notified to the Minister in the prescribed manner; (c) every butter-maker on the premises and every person carrying out tests of milk or cream on the premises for the purpose of determining the percentage of butter-fat therein shall be duly qualified, and the prescribed particulars of all appointments of such butter-makers and persons shall be notified to the Minister in the prescribed manner; (d) butter containing water in excess of sixteen per cent. or any noxious colouring matter or any preservative other than salt of a prescribed description, shall not be packed for export, or exported, or consigned for export, in or from the premises; (e) butter containing water in excess of sixteen per cent. or any noxious colouring matter, or any preservative other than salt of a prescribed description, shall not be packed for sale or sold, or offered or consigned for sale on or from the premises, except to a butter-factory in Saorstát Eireann, and then only subject to and in accordance with the prescribed conditions and subject to and in accordance with the provisions of the Sale of Food and Drugs Acts, 1875 to 1907; (f) if any regulation under this Act is in force requiring the premises to be equipped with efficient plant for pasteurising milk or cream, or both milk and cream, all milk, cream., or milk and cream (as the case may require) used for the manufacture of butter upon the premises shall be pasteurised; (g) all butter exported from the premises and also every package or wrapper containing the butter shall before it leaves the premises be marked with the marks (if any) prescribed by regulations made under this Act; (h) all butter packed on the premises shall be packed only in such manner and in such packages or wrappers as shall be prescribed by regulations made under this Act; (i) no margarine or milk-blended butter, and no oil or fat capable of being used in the adulteration of butter shall be brought on to the premises; (j) save as hereinafter mentioned no butter, other than butter obtained directly from other premises registered in the register of manufacturing exporters shall be brought on to the premises; (k) the premises shall not be registered in the register of creameries. (2) If the Minister is satisfied, on the application of the registered proprietor or duly qualified manager of any premises registered in the register of manufacturing exporters, that owing to a temporary decrease in the quantity of milk or cream available at the premises sufficient butter cannot be manufactured on the premises or obtained from other premises similarly registered to meet the immediate requirements of the business of the premises as normally carried on, the Minister may by licence issued by him to the registered proprietor of the premises authorise the bringing on to the premises of butter of such description, in such quantities, during such periods, and subject to such conditions as may be specified in the licence: Provided always that while a licence under this sub-ion is current in respect of any premises, any licence then in force for the use of the national mark in respect of butter manufactured in those premises shall be suspended. (3) For the purposes of this section a person shall be deemed to be duly qualified for a position only if he either possesses a certificate issued by the Minister of qualification for such position generally or has satisfied the Minister that he is qualified for the particular position.

Regulations applicable to registered butter factories.

19.—The following regulations shall apply to all premises registered in the register of butter factories, that is to say:— (a) butter containing water in excess of sixteen per cent. shall not be packed for export, or exported, or consigned for export, in or from the premises; (b) butter containing water in excess of sixteen per cent. shall not be packed for sale, or sold, or offered or consigned for sale on or from the premises, except to a butter factory in Saorstát Eireann, and then only subject to and in accordance with the prescribed conditions and subject to and in accordance with the provisions of the Sale of Food and Drugs Acts, 1875 to 1907; (c) all butter exported from the premises and also every package or wrapper in which such butter is packed shall before it leaves the premises be marked in the prescribed manner with the marks (if any) prescribed by regulations made under this Act; (d) all butter packed on the premises shall be packed only in such manner and in such packages or wrappers as shall be prescribed by regulations made under this Act.

Regulations applicable to non-manufacturing exporters.

20.—The following regulations shall apply to all premises registered in the register of non-manufacturing exporters, that is to say:— (a) butter containing water in excess of sixteen per cent. shall not be packed for sale or export or sold or exported or consigned for sale or export on or from the premises except when

permitted by regulations made under this Act and then only subject to and in accordance with the prescribed conditions and subject to and in accordance with the provisions of the Sale of Food and Drugs Acts, 1875 to 1907; (b) all butter exported or consigned for export from the premises shall, before it leaves the premises, be examined and classified subject to and in accordance with the prescribed conditions; (c) all butter exported or consigned for export from the premises and also every package and wrapper containing the butter shall before it leaves the premises be marked in the prescribed manner with the marks (if any) prescribed by regulations made under this Act; (d) all butter directly or indirectly obtained or brought from premises registered in the register of creameries or the register of manufacturing exporters or the register of butter factories shall (if exported) be exported without opening or unpacking the package in which it was packed in such premises and without obliterating or altering any marks placed on such package, or on any wrapper or butter therein, in such premises, save to such extent and in such manner as shall be prescribed for the purpose of enabling the provisions of this Act or any regulations made thereunder to be complied with.

Application for registration of premises.

21.—(1) Every application for the registration of any premises under this Act, or for the alteration or cancellation of any such registration shall be made in writing in the prescribed form and manner and shall contain the prescribed particulars. (2) Whenever an application has been made under this Act for the registration of any premises, the Minister shall cause such premises to be inspected by an inspector. (3) Every refusal by the Minister of an application for the registration of any premises under this Act shall state the reason for such refusal and no such refusal shall prevent the making of a fresh application in respect of the same premises at any subsequent time. (4) Before refusing any application for the registration of any premises under this Act solely on the ground that the conditions of cleanliness and order are not complied with on the premises, the Minister shall cause an appropriate notice to be served under Part I. of this Act by an inspector in respect of the failure to comply with such conditions and in the event of such notice or, if such notice is amended by the arbitrator under Part I. of this Act, such notice as so amended being complied with or the notice being annulled by the arbitrator under Part I. of this Act, the application for registration shall not be refused on the ground aforesaid.

Rectification and cancellation of registration.

22.—(1) The Minister may at any time alter or cancel the registration of any premises under this Act upon the application of the registered proprietor or, in the case of an individual, the personal representative, or, in the case of an incorporated body, the liquidator, of the registered proprietor. (2) The Minister may at any time, without any such application as aforesaid, alter the registration of any premises under this Act in any respect in which such registration appears to him to be erroneous or misleading. (3) The Minister may at any time, without any such application as aforesaid, cancel the registration of any premises registered under this Act if he is satisfied— (a) that the registration of the premises was procured by fraud or by misrepresentation whether fraudulent or innocent; or (b) that the premises have ceased to be eligible for registration in the register in which the same are registered; or (c) that the registered proprietor, if an individual, has died or, if an incorporated body, has been dissolved, and no other person has, within one month after such death or dissolution, been registered as proprietor in the place of the registered proprietor so dead or dissolved; or (d) that there has been any contravention (whether by way of commission or of omission) of this Act or any regulations made thereunder on the premises; or (e) that the registered proprietor having made a contract for the sale of butter to be exported from premises of which he is the registered proprietor has without reasonable cause failed or omitted to carry out such contract. (4) Before altering or cancelling (otherwise than in accordance with an application in that behalf made under this section) the registration of any premises under this Act, the Minister shall give at least one fortnight's notice in writing of his intention so to cancel or alter such registration to the registered proprietor, and shall consider any representations made before the expiration of such notice by such proprietor, and may if he thinks fit cause an inquiry to be held in relation to the matter. (5) Before altering or cancelling (otherwise than in accordance with an application in that behalf made under this section) the registration of any premises under this Act solely on the ground that the conditions of cleanliness and

order are not complied with on the premises, the Minister shall cause an appropriate notice to be served under Part I. of this Act by an inspector in respect of the failure to comply with such conditions, and in the event of such notice or, if such notice is amended by the arbitrator under Part I. of this Act, such notice as so amended being complied with or the notice being annulled by the arbitrator under Part I. of this Act, the registration shall not be altered or cancelled on the ground aforesaid. (6) Where the Minister proposes to cancel the registration of any premises under this Act on the ground mentioned in paragraph (e) of sub-ion (3) of this section the registered proprietor may by notice in writing to the Minister require the matter to be referred to arbitration and in such case the following provisions shall apply— (a) the question whether the registered proprietor has or has not failed or omitted to carry out a contract within the meaning of the said paragraph (e) shall be referred to the decision of an arbitrator or arbitrators appointed for the purpose by the Executive Council; (b) the number of the arbitrators shall be either one or three as the Executive Council shall think proper and the arbitrator or one of the arbitrators (as the case may be) shall be a practising barrister in Saorstát Eireann of not less than twelve years standing; (c) the Minister and the registered proprietor shall be entitled to appear (with or without solicitor and counsel) and be heard by the arbitrators on the question so referred as aforesaid and to adduce evidence thereon; (d) the costs of the arbitration (including the arbitrators fees) shall be in the discretion of the arbitrators; (e) the decision of the arbitrators shall be final and conclusive and shall not be subject to review by any court; (f) the costs of every such arbitration (including the fee or fees of the arbitrator or arbitrators) shall upon the application of any of the parties thereto be taxed by a Taxing Master of the High Court.

Publication of register, etc.

23.—(1) The Minister may publish in such manner as he may think fit— (a) all or any of the matters entered in any register kept in pursuance of this Act; and (b) notice of the cancellation or alteration of the registration of any registered premises; and (c) notice of any conviction for an offence under this Act or any section thereof or any regulation made thereunder. (2) No individual return or part of a return furnished in pursuance of this Act shall be published or disclosed except for the purposes of a prosecution under this Act. (3) The Minister may from time to time collect and publish such statistical information (including statistics derived from returns made pursuant to this Act) with respect to the extent and condition of the butter trade as he may think fit.

Evidence of contents of registers.

24.—(1) Any register kept in pursuance of this Act shall be— (a) deemed to be in the proper custody when in the custody of the Minister or of any officer of the Minister authorised in that behalf by the Minister; and (b) admissible in evidence without further proof on production from the proper custody. (2) Prima facie evidence of any entry in any register kept in pursuance of this Act may be given in any court or any legal proceeding by the production of a copy of such entry purporting to be certified to be a true copy by any officer of the Minister authorised in that behalf, and it shall not be necessary to prove the signature of such officer or that he was in fact such officer or was in fact so authorised. (3) A certificate, purporting to be under the hand of an officer of the Minister authorised in that behalf by the Minister, that any premises specified in such certificate are not entered in the register specified in such certificate shall be conclusive evidence of the matter so certified, and it shall not be necessary to prove the signature of such officer, or that he was in fact such officer, or was in fact so authorised. (4) Any person may— (a) inspect any register kept in pursuance of this Act on payment of such fee, not exceeding one shilling for each inspection, as shall be prescribed; (b) obtain a copy, certified in manner hereinbefore mentioned to be a true copy of any entry in any register kept in pursuance of this Act on payment of such fee, not exceeding sixpence for each folio of the copy, as may be prescribed; (c) obtain such certificate as is hereinbefore mentioned that any specified premises are not registered in a specified register kept in pursuance of this Act on payment of such fee, not exceeding two shillings and sixpence for each certificate, as may be prescribed.

Power to inspector to inspect premises and plant.

25.—(1) Any inspector shall be entitled (subject to the production by him if so required of his authority in writing as such inspector) at all reasonable times to enter upon any premises registered in any register kept pursuant to this Act or in respect of which an application for registration in any such register has been made and to inspect such premises and the plant, machinery, appliances, and utensils therein and to observe all or any of the processes used in the business carried on therein. (2) Every person who shall obstruct or impede any inspector in the exercise of any of the powers conferred on him by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding five pounds.

Register to be kept on registered premises.

26.—(1) It shall be the duty of the registered proprietor of any premises registered in any register kept in pursuance of this Act to keep or cause to be kept a register in the prescribed form of all consignments of butter dispatched from those premises, and within twelve hours after the dispatch of any such consignment to enter in such register the prescribed particulars of the quantity of butter comprised in such consignment and the name and address of the person to whom and the route by which the same was consigned. (2) Every register kept in pursuance of this section may be inspected at any time during office hours by an inspector for any purpose arising out of or in connection with this Act or any regulation made thereunder and it shall be the duty of the registered proprietor of the premises where such register is kept to produce for the inspection of such inspector on demand such register and also all invoices, consignment notes, receipts, and other documents (including copies thereof where the originals are not available) reasonably demanded by such inspector for the purpose of verifying any entry in or explaining any omission from such register. (3) If the registered proprietor of any premises registered in any register kept in pursuance of this Act— (a) fails to keep or cause to be kept such register as is required by this section; or (b) fails to make or cause to be made in such register within the time prescribed by this section any entry required by this section to be made therein; or (c) fails to produce or cause to be produced for the inspection of an inspector on demand any register, document, or copy of a document which he is required by this section so to produce, or obstructs any such inspector in the making of such inspection; or (d) wilfully or negligently makes or causes to be made in such register any entry which is false or misleading in any material particular, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding twenty pounds. (4) For the purposes of this section— (a) inspection of a register or document shall include taking copies thereof or extracts therefrom; and (b) a demand for inspection of a register or other document shall be deemed to have been duly made by an inspector to the registered proprietor if such demand is made verbally on the registered premises to the manager, secretary, book-keeper, or other member of the clerical staff; and (c) a refusal or failure to produce a register or other document for inspection if made or committed on the registered premises by a person in the employment of the registered proprietor shall be deemed to have been made or committed by the registered proprietor; and (d) the expression "office hours" means any time between the hours of ten o'clock in the morning and five o'clock in the afternoon during which business is being carried on or work is being done on the registered premises.

Regulations as to packing butter.

27.—(1) The Minister may by order make regulations in regard to all or any of the following matters, that is to say:— (a) the method and manner in all or any respects of packing butter, including the materials and packages to be used for such packing; (b) the mode in and means by which the prescribed marks are to be placed on butter and packages. (2) Regulations made under this section shall apply to all premises registered in any register kept in pursuance of this Act, or to all premises registered in any one or more of such registers, as may be prescribed in that behalf by the regulations respectively. (3) All butter packed in any premises to which any regulations made under this section apply shall be packed and marked, and the packages and wrappers in which such butter is packed shall also be marked in all respects in accordance with such regulations.

28 Examination and classification of butter.

28.—The Minister may by order make regulations in regard to the examination and classification of butter on premises registered in the register of non-manufacturing exporters, and where such regulations have been made all butter examined or classified on such premises shall be examined and classified in all respects in accordance with such regulations.

29 Regulations as to marking butter and packages.

29.—(1) The Minister may by order make regulations prescribing the marks to be placed on every package or wrapper containing butter exported or consigned from or sold on any premises to which such regulations apply for the purpose of indicating all or any of the following matters, that is to say:— (a) the nature and quality of the butter contained in such package or wrapper; (b) the premises on which such butter was packed or was examined and classified; (c) that such butter was manufactured in Saorstát Eireann; (d) any other matter which in the opinion of the Minister should be indicated on such package or wrapper. (2) The Minister may also by order make regulations prescribing the marks to be placed on all or any butter sold on or exported or consigned from any premises to which such regulations apply for the purpose of indicating all or any of the matters mentioned in the foregoing sub-ion and any other matter which in the opinion of the Minister should be indicated on such butter. (3) For the purpose of so much of the foregoing sub-ions as relates to indicating the premises on which butter was packed or was examined and classified, the Minister may assign a distinctive mark to every or any premises to which regulations made under this section apply, and may by the regulations made by him under this section require the marks so assigned to be used as the mark for indicating the premises on which the butter was packed or was examined and classified. (4) The Minister may also by order make regulations prohibiting the placing of any particular mark or marks of any particular class or description on all or any classes, grades or descriptions of butter or on any packages or wrappings containing any such butter, or on any letters or invoices or other trade documents issued or used in relation to such butter and where any such regulations have been made and are in force any person who places any mark on any butter or any package or wrapper or any letters or invoices or other trade documents in contravention of any such regulation shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding twenty pounds. (5) Regulations made under this section shall apply to all premises registered in any register kept in pursuance of this Act, or to all premises registered in any one or more of such registers, as may be prescribed in that behalf by the regulations respectively. (6) Whenever any mark is prescribed by regulations made under this section as the mark to be placed on butter of any nature or quality, or place of manufacture, or packed or examined and classified in any particular premises, or on packages or wrappers containing butter of any such nature or quality, or place of production, or packed or examined and classified in any such premises, the application of such mark to butter of any other nature or quality, or place of production, or to any package or wrapper containing any such butter or to any butter, package or wrapper packed or examined and classified on any other premises shall be taken to be a false trade description within the meaning of the Merchandise Marks Acts, 1887 to 1911, and the provisions of those Acts, including the penal provisions, shall apply accordingly. (7) For the purposes of this section a mark shall be deemed to be applied if it is applied within the meaning of the Merchandise Marks Acts, 1887 to 1911. (8) In this section the word "mark" includes any word, letter, figure, or design, or any combination of words, letters, figures, and designs or any one or more of them.

Regulations as to pasteurising.

30.—(1) The Minister may by order make regulations requiring that all or any premises registered in the register of creameries or all or any premises registered in the register of cream separating stations, or all or any premises registered in the register of manufacturing exporters, or all or any premises registered in any of those registers shall be equipped with plant for pasteurising milk or cream or both milk and cream, and may by such regulations prescribe the mode and manner in all respects of pasteurising milk and cream. (2) Where regulations have been made under this section in respect of premises registered in the register of creameries, all milk and all cream required by those regulations to be pasteurised on those premises shall be pasteurised in accordance with such regulations. (3) Where regulations have been made

under this section in respect of premises registered in the register of cream separating stations, all milk and all cream required by those regulations to be pasteurised on those premises shall be pasteurised in accordance with such regulations. (4) Where regulations have been made under this section in respect of premises registered in the register of manufacturing exporters all milk and all cream required by those regulations to be pasteurised on those premises shall be pasteurised in accordance with such regulations.

Regulations as to plant and machinery.

31.—(1) The Minister may by order make regulations prescribing the nature and general character of the plant and machinery with which premises registered in any specified register kept in pursuance of this Act (other than the register of non-manufacturing exporters) are to be equipped in addition to or substitution for all or any of the plant and machinery with which such premises are required by or under any other provision of this Act to be equipped. (2) All premises registered in any of the registers aforesaid shall be equipped with the plant and machinery with which such premises are required by or under any other provision of this Act to be equipped, with such (if any) additions thereto or substitutions therefor as may for the time being be prescribed under this section.

Regulations as to basis of calculation of price of milk and cream.

32.—(1) The Minister may by order make regulations for all or any of the following purposes, that is to say:— (a) requiring that the calculation of the price to be paid for all milk and cream supplied to any premises to which the regulations apply shall be made on the basis of the percentage of butter-fat or other prescribed constituent contained in the milk or cream; (b) prescribing the method and manner in all or any respects of sampling and testing milk and cream for the purpose of determining the quantity of butter-fat or other prescribed constituent contained therein; (c) prescribing the nature and character of the instruments and appliances to be used for the purpose of such sampling and testing; (d) prescribing the records to be kept in premises to which the regulations apply in respect of the sampling and testing of milk and cream for the purposes aforesaid and requiring records to be kept on such premises of the name and address of the person by whom the milk or cream was supplied, the results of the sampling and testing, the quantity of milk or cream from which each sample was taken, and the price paid for such milk or cream; (e) requiring all samples taken for the purpose aforesaid to be retained on the premises for the prescribed time after they have been tested; (f) requiring that all or any instruments or appliances offered for sale, sold or used for sampling or testing milk or cream for the purpose aforesaid shall have been tested and found to be accurate in one or other of the establishments or institutions prescribed by the regulations and shall have been certified or marked accordingly in such establishment or institution. (2) Any inspector shall be entitled at all reasonable times to enter upon any premises to which any regulations made under this section apply and to inspect all instruments and appliances used in such premises for sampling and testing milk or cream for the purpose of determining the quantity of butter-fat or other prescribed constituent contained therein, and to inspect and take copies of or extracts from all or any records kept on such premises in pursuance of such regulations, and to observe all or any of the processes of sampling and testing milk and cream for the purposes aforesaid on such premises, and to test any samples which having been already tested have been retained on the premises. (3) Regulations made under this section shall apply to all premises, or to any class or classes of premises (whether registered or not registered in any of the registers kept in pursuance of this Act) to which milk or cream is supplied for use in the manufacture of any dairy produce for sale, as may be prescribed in that behalf by the regulations respectively. (4) Every person who shall contravene (whether by an act of commission or by an act of omission) any regulation made under this section, and also any person who shall obstruct or impede an inspector in the exercise of any of the powers conferred on him by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, where the offence consists only of obstructing or impeding an inspector to a penalty not exceeding ten pounds, and in any other case to a penalty not exceeding twenty pounds.

Sale of butter on registered premises.

33.—(1) It shall not be lawful for any person to sell, or offer or consign for sale, on or from any premises registered in any register kept in pursuance of this Act any quantity of butter amounting to or exceeding

eleven pounds unless the butter has been packed or examined and classified (as the case may require) and the butter and any package and any wrapper in which it is packed has been marked, in all respects in accordance with the provisions of this Act and of any regulations made thereunder. (2) If any butter shall be sold, or offered or consigned for sale, in contravention of this section, the registered proprietor of the premises on or from which such butter is so sold, or offered or consigned for sale, shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence to a penalty not exceeding ten pounds, or in the case of a second or any subsequent offence to a penalty not exceeding twenty pounds.

Fees payable in respect of registered premises.

34.—(1) There shall be paid to the Minister by the person applying for the registration of any premises in any register kept in pursuance of this Act the fee specified in the Third Schedule to this Act, and the payment of such fee shall be a condition precedent to the entertainment of the application by the Minister. (2) There shall be paid to the Minister by the person applying for registration of any premises in any register kept in pursuance of this Act other than the register of cream separating-stations the deposit specified in the Third Schedule to this Act on account of the first annual fee payable in respect of such premises, and the payment of such deposit shall be a condition precedent to the registration of the premises. (3) There shall be paid to the Minister in respect of every year by the registered proprietor of every premises registered in the register of creameries or the register of manufacturing exporters or the register of butter factories or the register of non-manufacturing exporters the fee specified in the Third Schedule to this Act or, in the case of premises in respect of which a licence under Part IV. of this Act is in force, such lesser fee as the Minister may if he so thinks fit prescribe in respect of such premises, which fee or lesser fee (as the case may be) is in this Act called the annual fee. (4) The first annual fee to be paid by the registered proprietor of any of the premises mentioned in the foregoing sub-ion of this section shall be calculated on the quantity of butter ascertained in the prescribed manner, exported from such premises during the period between the completion of the registration and the end of the calendar year in which the premises were registered and shall become due on the 31st day of December of that year and the difference between such fee and the deposit paid on account thereof as aforesaid shall be paid by or returned to (as the case may require) the registered proprietor before the 17th day of March in the year next following. (5) Every subsequent annual fee shall become due on the 31st day of December in the year in respect of which such fee is payable and shall be paid before the 17th day of March in the year next following and shall be calculated on the quantity of butter, ascertained in the prescribed manner, exported from the registered premises in the year in respect of which the fee is payable. (6) As soon as may be after the end of each year, the total amount of butter exported during that year from every premises registered in the register of creameries or the register of manufacturing exporters or the register of butter factories or the register of non-manufacturing exporters shall be ascertained in the prescribed manner, and the amount of the annual fee payable in respect of that year shall be calculated accordingly. (7) Every registered proprietor of premises registered in the register of creameries or the register of manufacturing exporters or the register of butter factories or the register of non-manufacturing exporters shall make for the purpose of this section such returns, to such persons, at such times, and in such forms as shall be prescribed. (8) If any registered proprietor by whom an annual fee is payable in respect of his registered premises under this section shall fail to pay such annual fee or any sum added to such annual fee by way of adjustment under this section, before the 17th day of March, in the year in respect of which the same is payable under this section, the registration of such registered premises shall be cancelled by virtue of this section as on and from such 17th day of March. (9) Where the registration of any registered premises is cancelled pursuant to this section, and the fee, the non-payment of which caused such cancellation, is paid within three months after such cancellation, the Minister may restore such premises to the register as on and from the date on which such fee is so paid. (10) In this section the expression "registered proprietor" shall be construed as referring to the registered proprietor for the time being, save that where the premises shall have ceased to be registered the said expression shall be construed as referring to the person who was the registered proprietor immediately before the cesser of registration.

- PART IV - NATIONAL MARK FOR BUTTER

Establishment of national mark for butter.

35.—(1) When and so soon as registers of trade marks and of designs have been established in Saorstát Eireann and legislation has been passed by the Oireachtas enabling Ministers, to acquire and register trade marks and designs and to grant licences for the use thereof, it shall be the duty of the Minister to acquire, design, or otherwise establish a mark (in this Act called "the national mark") of a suitable character and to register the same in such of the registers aforesaid as may be appropriate and, subject to the provisions of this Act, to grant such licences for the use thereof as may be permitted by such legislation. (2) Every licence for the use of the national mark shall be granted subject to the conditions (which shall be expressed in the licence) that the national mark shall only be applied to butter of an approved standard and manufactured under approved conditions from pasteurised cream or milk and in the authorised premises specified in the licence. (3) The Minister may acquire, design or otherwise establish more than one such national mark and every reference in this Act to "the national mark" shall be construed so as to mean the national marks if more than one such mark is established. (4) In this Part of this Act the expression "approved standard" means such standard of quality, packing, and finish as shall be prescribed by regulations made under this Part of this Act as the approved standard of butter for the purposes of the use of the national mark. (5) In this Part of this Act the expression "authorised premises" means any premises registered in the register of creameries, and such other premises as the Minister may, if and when he thinks fit, by order declare to be authorised premises for the purposes of the use of the national mark. (6) In this section the expression "approved conditions" means such conditions as respects premises, equipment, processes of manufacture, nature, quality and treatment of milk, cream, or other materials or ingredients used in the manufacture of butter upon the premises, nature, quality and treatment of butter (if any) brought into the premises, packages, wrappers, packing materials, and methods of packing as shall be prescribed by regulations made under this Act as the approved conditions in respect of any class of authorised premises for the purposes of the use of the national mark.

Duration of licences for use of national mark.

36.—(1) Subject to the provisions of any legislation already in force or hereafter to be passed in relation to trade marks or designs, every licence to use the national mark granted by the Minister shall, unless previously revoked under this section, continue in force so long as the premises in respect of which the licence is granted continue to be authorised premises. (2) The Minister may at any time revoke any licence to use the national mark if he is satisfied— (a) that the butter manufactured on the authorised premises in respect of which the licence is granted has ceased to be of the approved standard; or (b) that such butter has ceased to be manufactured under the approved conditions; or (c) that the holder of such licence has contravened any of the conditions expressed in the licence; or (d) that the holder of such licence has been convicted of an offence under any section of this Part of this Act.

Regulations in relation to national mark.

37.—The Minister may by order make regulations prescribing all or any of the following matters, that is to say:— (a) the manner in which applications for licences for the use of the national mark are to be made; (b) the method in all respects by which the mark is to be applied, including requiring the mark to be applied only by packing in marked packages, wrappers, packing materials, or labels obtained from a prescribed source; (c) the approved standard, and the manner in all respects of ascertaining (by inspection of premises, inspection of consignments in transit, examination of butter, or otherwise howsoever) that the butter manufactured by an applicant for such licence is of the approved standard, and that the butter manufactured by the holder of any such licence continues to be of the approved standard; (d) the classes of premises (in addition to premises registered in the register of creameries) which may be declared to be authorised premises; (e) the approved conditions, and the manner in all respects of ascertaining that the butter manufactured by an applicant for such licence is manufactured under approved

conditions, and that the butter manufactured by the holder of any such licence continues to be manufactured under approved conditions.

Offences in relation to national mark.

38.—(1) If any person who is not the holder of a licence to use the national mark shall use or apply the national mark or any colourable imitation thereof on, to, or in connection with any butter or any other article in respect of which the national mark is registered in any register of trade marks or designs in Saorstát Eireann, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months, or to both such fine and such imprisonment. (2) If any person who is the holder of a licence to use the national mark shall use or apply the national mark in contravention of the terms of such licence or of any regulation made under this Act or shall use or apply any colourable imitation of the national mark on, to, or in connection with any butter or any other article in respect of which the national mark is registered in any register of trade marks or designs in Saorstát Eireann, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding six months, or to both such fine and such imprisonment. (3) The provisions of this section shall be in addition to and not in substitution for any other penalties or any remedies for the time being provided by law in relation to the infringement of trade marks or of the copyright in registered designs.

- PART V - MISCELLANEOUS AND GENERAL

Unclean milk and cream.

39.—(1) Any person who tenders or supplies any dirty, contaminated, or stale milk or cream, or milk or cream which is contained in a dirty vessel, to a creamery or cream-separating station, or any place where milk or cream is used for the manufacture of any dairy produce for sale shall be guilty of an offence under this section and shall be punishable accordingly. (2) Any person who accepts for use in or sale from or who uses in or sells from a creamery or cream-separating station, or any place where milk or cream is used for the manufacture of any dairy produce for sale, any dirty, contaminated, or stale milk or cream, or any milk or cream which is contained in a dirty vessel shall be guilty of an offence under this section and be punishable accordingly. (3) Every person guilty of an offence under this section shall on summary conviction thereof be liable in the case of a first offence to a penalty not exceeding two pounds, in the case of a second offence to a penalty not exceeding five pounds, and in the case of a third or any subsequent offence to a penalty not exceeding ten pounds. (4) The Minister may by order make regulations prescribing the methods of determining whether milk or cream is stale, or contaminated.

Inspection and sampling of milk and cream.

40.—(1) Any inspector (subject to the production by him if so required of his authority in writing as such inspector) may at all reasonable times enter any creamery or cream-separating station or any place where milk or cream is used for the manufacture of any dairy produce for sale and may inspect any milk or cream found in such creamery, cream-separating station, or place and may take and remove without payment any samples of any such milk or cream or of any dirt in such milk or cream or in any vessel in which such milk or cream is contained. (2) Any inspector (subject to the production by him if so required of his authority in writing as such inspector) or any member of the Dublin Metropolitan Police or of the Garda Síochána may at any time examine any milk or cream in course of transport to or delivery at any creamery or cream-separating station or any place where milk or cream is used in the manufacture of any dairy produce for sale and may take and remove without payment samples of any such milk or cream or of any dirt in such milk or cream or in any vessel in which such milk or cream is contained. (3) Any person who, knowing the name or other particulars of the person by whom any such milk or cream inspected or examined under this section is supplied, refuses to give such name or other particulars to any

inspector or to any member of the Dublin Metropolitan Police or of the *Gárda Síochána* shall be guilty of an offence under this section and shall be punishable accordingly. (4) Every person who shall obstruct or impede any inspector or any member of the Dublin Metropolitan Police or of the *Gárda Síochána* in the exercise of any of the powers conferred on him by this section shall be guilty of an offence against this section and shall be punishable accordingly. (5) Every person guilty of an offence under this section shall on summary conviction thereof be liable to a penalty not exceeding five pounds.

Dirty butter.

41.—(1) Any person who sells or exposes for sale or offers or consigns for sale or exchanges or barter or for the purpose of re-sale, acquires by purchase, exchange or barter— (a) as an article of food for human consumption or for use in a butter factory or a margarine factory, or (b) for use in any premises in which any article of human food is manufactured for sale, any butter which is dirty shall be guilty of an offence under this section and shall be punishable accordingly. (2) If and whenever any inspector finds in any butter factory, margarine factory, or other premises in which any article of human food is manufactured for sale any butter which is dirty, the person carrying on the business in such factory or premises shall be guilty of an offence under this section and be punishable accordingly, unless he can show to the satisfaction of the court that such butter— (a) was not intended to be blended, re-worked, or otherwise treated, or to be used for manufacturing purposes in such factory or premises, and (b) was not intended to be exported or consigned for export from such factory or premises, and (c) was not intended to be sold or offered or consigned for sale as butter on or from such factory or premises. (3) Any person guilty of an offence under this section shall be liable on summary conviction thereof in the case of a first offence to a penalty not exceeding two pounds, and in the case of a second offence to a penalty not exceeding five pounds, and in the case of a third or any subsequent offence to a penalty not exceeding ten pounds.

Meaning and use of word "creamery."

42.—(1) From and after the commencement of Part III. of this Act the word "creamery" shall mean premises registered in the register of creameries or in respect of which a licence under this section has been granted and is in force. (2) The Minister may if and when during three years from the passing of this Act the special circumstances of the case justify him in so doing, grant to the registered proprietor of any particular premises registered in the register of manufacturing exporters a licence to use the word "creamery" in relation to such premises, and any such licence may be granted subject to such conditions and for such time (not extending beyond three years from the passing of this Act) and may be revoked, as and when the Minister thinks proper. (3) Any person who, after the expiration of a date to be prescribed, and without having a subsisting licence in that behalf granted under this section, uses in connection with any premises in Saorstát Eireann which are used for the manufacture of or wholesale dealing in butter, cheese, margarine, margarine cheese, or milk-blended butter and are not registered in the register of creameries any name or description stating, implying or suggesting, that such premises are a creamery or are registered in the register of creameries shall be guilty of an offence under this section, and shall be liable on summary conviction thereof, in the case of a first offence, to a penalty not exceeding ten pounds, and, in the case of a second or any subsequent offence, to a penalty not exceeding twenty pounds.

Application of word "creamery" to butter.

43.—(1) From and after the commencement of Part III. of this Act, the word "creamery," if applied to any butter sold or offered, exposed, or consigned for sale in or exported from Saorstát Eireann, shall (subject to the exception hereinafter contained) be taken to be a trade description signifying that the butter has been manufactured in premises registered in the register of creameries or comprised in a subsisting licence granted under this Act for the use of the word "creamery" and has not been subsequently blended or re-worked. (2) The application of the word "creamery" or any colourable imitation of the word "creamery" to any butter which has not been manufactured in premises registered in the register of creameries or comprised in a subsisting licence granted under this Act for the use of the word "creamery" or which, having been manufactured in such premises, has been subsequently blended or re-worked or has

been brought on to any premises (other than premises registered or required to be registered solely by virtue of sub-ion (4) of section 7 of the Sale of Food and Drugs Act, 1899) registered or required to be registered under the Sale of Food and Drugs Acts, 1875 to 1907, or any premises used for the manufacture or treatment of dairy produce for sale which are not registered in the register of creameries or comprised in a subsisting licence granted under this Act for the use of the word "creamery" shall (subject to the exception hereinafter contained) be taken to be a false trade description of such butter within the meaning of the Merchandise Marks Acts, 1887 to 1911, and the provisions of those Acts, including the penal provisions, shall apply accordingly. (3) Nothing in this section shall apply to or prevent the application to butter imported into Saorstát Eireann of the word "creamery" in conjunction with a word or words clearly indicating that the butter was imported into or was not manufactured in Saorstát Eireann: Provided that this sub-ion shall not apply to butter which is imported directly or indirectly from any place outside Saorstát Eireann and is subsequently exported from Saorstát Eireann. (4) For the purposes of this section the word "creamery" shall be deemed to be applied if it is applied within the meaning of the Merchandise Marks Acts, 1887 to 1911. (5) This section shall come into operation at a date to be prescribed. (6) This section shall not apply to any butter contained in a package consigned and forwarded through Saorstát Eireann from any place outside Saorstát Eireann to any other such place but not otherwise dealt with in Saorstát Eireann.

Analysis of samples.

44.—(1) Where any person who has taken a sample of any milk, cream, or other material under a power in that behalf conferred on him by this Act, requires such sample to be analysed with a view to a prosecution for an offence under any section of this Act the following provisions shall apply and be observed, that is to say:— (a) the analysis shall be made by or under the direction of the Analyst appointed by the Minister under this section; (b) the person by whom the sample was taken shall divide the sample into three parts and shall cause each such part to be marked, sealed, and fastened up, and shall deliver or send by post two of such parts to the said Analyst and shall deliver or send by post the other such part to the person against whom the prosecution is proposed to be brought or, if such person is not then known, to the owner or the consignor of the milk, cream, or other material from which the sample was taken; (c) upon receipt of parts of a sample sent to him for analysis under this section the said Analyst shall make or cause to be made under his direction an analysis of one of the parts of such sample so sent to him, and shall retain the other part; (d) the said Analyst shall send to the Minister duplicate certificates in the prescribed form of the result of every analysis made by him or under his direction pursuant to this section; (e) before instituting any prosecution against any person in respect of any milk, cream, or other material of which a sample shall have been analysed under this section, the Minister shall deliver or send by post to the person against whom the prosecution is proposed to be brought one of the duplicate certificates aforesaid; (f) at the hearing of any prosecution for an offence under any section of this Act in respect of any milk, cream, or other material of which a sample shall have been analysed under this section the production of a document purporting to be one of the duplicate certificates aforesaid shall be prima facie evidence of the matters stated in such certificate; (g) if the prosecutor or the defendant in any such prosecution as aforesaid is dissatisfied with the certificate of the said Analyst, such party shall upon payment of the prescribed fee be entitled to have the part of the sample retained by the said Analyst as aforesaid analysed by the principal chemist of the State Laboratories and to obtain from such principal chemist a certificate of the result of such analysis. (2) The Minister may appoint a fit person to be the Analyst for the purposes of this section and may, subject to the sanction of the Minister for Finance, prescribe the terms and conditions of his appointment to and tenure of that office. (3) The said Analyst shall receive such remuneration as shall be determined by the Minister for Finance.

Consultative council.

45.—(1) The Minister shall, after consultation with such bodies and persons as he may consider most representative of the several interests concerned establish by order a consultative council for giving advice and assistance to the Minister in connection with any matter in relation to the making of regulations under, or otherwise carrying into execution of, the provisions of this Act, or any other matters

affecting the dairying industry. (2) The said consultative council shall consist of such persons as the Minister after such consultation as aforesaid shall from time to time nominate to be members thereof, each of whom shall unless he previously dies or resigns, retain his membership for two years only from the date of his nomination but shall be eligible for re-nomination. (3) The said consultative council shall meet whenever summoned by the Minister and also on such other occasions as the council may from time to time determine. (4) Payments may be made by the Minister out of moneys to be provided by the Oireachtas to members of the said consultative council and committees thereof, to such extent as may be sanctioned by the Minister for Finance, in respect of repayment of travelling expenses and payment of subsistence allowance.

General regulations.

46.—(1) The Minister may by order make regulations in regard to any matter or thing referred to in this Act as prescribed or as being or to be prescribed, but no such regulation shall be made in relation to the assessment or collection of fees without the consent of the Minister for Finance. (2) Any regulations made by the Minister under this Act may relate to several matters in respect of which the power to make regulations is conferred by different sections of this Act. (3) Regulations made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after they are made, and if a resolution is passed by either such House within the next subsequent twenty-one days on which that House has sat annulling such regulations, such regulations shall be annulled accordingly, but without prejudice to the validity of anything previously done under such regulations.

Saving clause as to powers under other Acts.

47.—The powers conferred on the Minister by this Act shall be and be exercised without prejudice to the exercise by the Minister for Local Government and Public Health of the powers conferred on him by the Public Health (Regulations as to Food) Act, 1907, or to the exercise by the Minister for Industry and Commerce or any inspector appointed under the Factory and Workshops Acts, 1901 to 1911, of any powers conferred by those Acts.

Offences.

48.—Every offence under any section of this Act may be prosecuted by or at the suit of the Minister as prosecutor.

Expenses.

49.—All expenses of carrying this Act into effect shall, to such extent as shall be sanctioned by the Minister for Finance be paid out of moneys to be provided by the Oireachtas.

FIRST SCHEDULE

Plant and Machinery in Registered Creameries and Cream-separating Stations.

1.—A high or low pressure boiler to generate steam for— (a) heating sufficiently the milk received at the premises so as to ensure the proper separation of the cream, if cream is separated from the milk at the premises, and (b) heating sufficiently the water required for cleansing purposes. 2.—A cooler for cooling the cream separated from milk at the premises capable of reducing the temperature of the cream as delivered from the cream separator to a temperature not exceeding by more than four degrees Fahrenheit the temperature at which the water used for cooling the cream is when it enters the cooler. 3.—The under-mentioned machinery, all of which shall be driven by mechanical power— *Not applicable in the case of creameries to which milk is not supplied.* (1)(a) A heater to heat the milk from which cream is to be separated at the premises to a temperature sufficient to secure the proper separation of the cream.

Not applicable in the case of creameries to which milk is not supplied. (2)(b) A centrifugal separator to separate cream from the milk supplied to the premises. † Not applicable in the case of cream-separating stations. † (3)(c) A churn and a butter-worker, or a combined churn and butter-worker for the manufacture of the butter made at the premises. 4.—The undermentioned requisites— (a) Such appliances, apparatus, and chemicals as are necessary for determining the percentage of water in the butter manufactured upon and sent out from the premises. (b) Such appliances, apparatus, and chemicals as are necessary for determining the percentage of fat in the cream and milk dealt with upon the premises.

SECOND SCHEDULE

Plant and Machinery in premises registered in the register of butter factories.

A boiler to provide sufficient hot water for the cleansing of the premises and the plant and machinery contained therein. A butter-worker or a butter-blender driven by mechanical power. Such appliances, apparatus, and chemicals as are necessary for determining the percentage of water in butter sent out from the premises.

THIRD SCHEDULE

FEES.

Fee on application for registration in any of the registers kept in pursuance of this Act One pound.
Deposit on application for registration in any of the registers kept in pursuance of this Act other than the register of cream-separating stations Five pounds. Annual fee, in respect of butter to which section 9 of this Act applies exported during the year On each complete twenty eight pounds of butter such fee, not exceeding one penny, as may be prescribed. Fee on grant of licence to export, on each package of butter to which the licence relates Where the package contains not more than twenty-eight pounds of butter such fee, not exceeding one penny, as may be prescribed; where the package contains more than twenty-eight pounds of butter-on every twenty-eight pounds or part of twenty-eight pounds of butter such fee, not exceeding one penny, as may be prescribed.